REMARKS

No claims are amended. No new claims are added. No claims are cancelled. Claims 43-47 are pending for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

Claim Rejections

Claims 43-45 and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,390 to Pollack et al. (hereinafter "Pollack").

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollack in view of U.S. Patent No. 6,546,416 to Kirsch.

The Pollack Reference

Pollack discloses a method and apparatus for evaluating relevancy of messages to users. Similarity scores including similarities of the incoming message to features of a plurality of messages are generated. Relevancy scores are generated for the plurality of users indicating relevancies of the incoming message to the plurality of users based on the similarity scores and a plurality of user profiles including information descriptive of the plurality of users' preferences for the features. (*Pollack*, abstract). Fig. 1 of Pollack is depicted below.

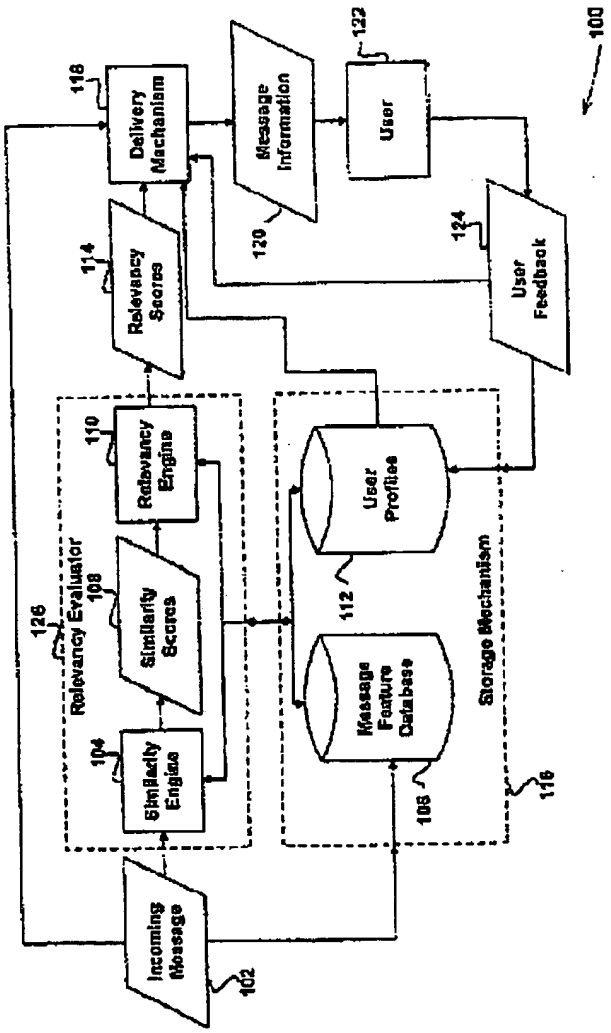

FIG. 1

As shown above, the incoming message is delivered to a relevancy evaluator. The relevancy evaluator may include a similarity engine, similarity scores, and a relevancy engine. As Pollack instructs, the similarity engine is a standard text-based search engine, which compares words in a search query with words in an index of documents maintained by a search engine. Furthermore, the

reference discloses a storage mechanism, which stores information related to user preferences (user profiles 112), as well as previous incoming messages received by the system (message feature database 106). Within this setup, the similarity engine queries the message feature database with the incoming message to produce similarity scores. This score represents a degree of similarity between the incoming message and the previously-received messages stored in the message feature database. (*Pollack*, col. 4, line 55-col. 5, line 28).

While Pollack describes an incoming message being compared to a message feature database that stores previously-received messages, the message feature database may include other records corresponding to different features of previously-received messages. For example, the message feature database may include *abstracts or summaries* of messages, *combinations of messages* that are similar to each other, or *keywords* derived from the messages. Whatever the message feature database contains, the similarity engine calculates the similarity scores by comparing the incoming message to the features in the database. (*Pollack*, col. 8, lines 26-38).

Furthermore, the user profile may indicate preferences a user has for certain message features stored in the message features database, corresponding to how well the user liked or disliked that message feature. These preferences may be stored in a preference matrix. (*Pollack*, col. 8, lines 58-63). Using the similarity scores and the user profile, the relevancy scores may be generated. For example, the relevancy score of an incoming message may be generated by using vector multiplication of the similarity scores and the user profile. (*Pollack*, col. 10, lines 35-55). Whether or not the incoming message is delivered to the user may depend on whether the relevancy score was above or below a relevancy threshold

determined by the user. (*Pollack*, col. 6, lines 46-58). If the relevancy score meets the relevancy threshold, then the message information may finally be delivered to the user. This message information may be the actual message, or it may be any information derived from the incoming message. For example, the message information delivered to the user may be a *summary* of the incoming message, a *relevancy score* of the incoming message, *keywords* extracted from the incoming message, a *subject line* of the incoming message, or the *entire contents* of the incoming message. The message information could also include other information related to the message, such as the *time of receipt*, the *author*, or the *size* of the incoming message. (*Pollack*, col. 6, lines 13-23).

Pollack does not disclose or suggest "associating a plurality of parameters having parameter values with the various degrees of desirability, wherein at least some of the parameters ***do not depend on any message that is conveyed by any content of an email message.***"

The Kirsch Reference

Kirsch describes a method and system for selectively blocking delivery of bulk electronic mail. The origin address of an e-mail message is validated to enable blocking of email from spam e-mail sources, by preparing, in response to the receipt of a predetermined e-mail message from an unverified source address, a data key encoding information reflective of the predetermined e-mail message. This message, including the data key, is then issued to the unverified source address. The computer system then operates to detect whether a response e-mail message, responsive to the challenge e-mail message, is received and whether the responsive e-mail message includes a response key encoding predetermined

information reflective of a predetermined aspect of the challenge e-mail message. The unverified source address may be recorded in a verified source address list. Thus, when an e-mail message is received, the computer may operate to accept receipt of a predetermined e-mail message on condition that the source address is recorded in the verified source address list and alternatively on the condition that the predetermined e-mail message includes the response key. (*Kirsch*, abstract).

35 U.S.C. § 102

Claims 43-45 and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,546,390 to Pollack et al. (hereinafter "Pollack"). Applicant traverses the rejections.

Claim 43 recites an email screening method comprising:

- defining an index having values that are assigned to various degrees of desirability that an email message can have, wherein the degrees of desirability extend from a low degree of desirability to a high degree of desirability;
- associating a plurality of parameters having parameter values with the various degrees of desirability, ***wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message***;
- establishing a user interface through which a user can adjust either (a) individual parameter values that, in turn, establish a degree of desirability, or (b) index values that themselves establish a degree of desirability that email messages must have in order to be saved to dedicated user storage locations; and
- evaluating, using a computing device comprising part of an email system in which, for at least some users of the system, a client user interface email environment is generated through use of HTML or web pages that are

sent to client devices, incoming email messages against the index value that is defined by the user.

In making out a rejection of claim 43, the Office argues that Pollack discloses all of the elements of Applicant's claim, including "associating a plurality of parameters having parameter values with the various degrees of desirability, wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message." For support, the Office cites to particular passages of Pollack and states that Pollack describes "***relevancy scores from low-to-high degrees of desirability [that] depend on message information such as time and size that are not conveyed by any content of an email message.***" (*Office Action of 08/25/05*, p. 3) (emphasis added). Applicant respectfully but strongly disagrees with this characterization of the reference and with the underlying rejection.

Applicant submits that Pollack does not disclose or suggest a method "wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message", as recited in Applicant's claim 43. It appears that the Office relies upon col. 6, lines 13-66, as cited by the Office, for the premise that Pollack teaches "relevancy scores . . . [that] depend on message information such as time and size that are conveyed by any content of an email message." (*Office Action of 08/25/05*, p. 3). However, the relevant portion of this passage does not describe any sort of relevancy scores or other comparison, but rather describes what ***message information may be delivered to the user after a relevancy score for an incoming message has been determined.*** The first paragraph of the cited passage is reproduced below:

> The message information **120** may be any information derived from or related to the incoming message **102**. For example, the message information **120** may include a summary of the incoming message **102**, a relevancy score of the incoming message **102**, keywords extracted from the incoming message, a subject line of the incoming message, or the entire contents of the incoming message **102**. The message information **120** may include information related to the incoming message **102**, such as the time of receipt of the incoming message **102**, the author of the incoming message **102**, or the size of the incoming message **102**.

Again, while the passage does allow for the possibility that message information may include information such as the "time or receipt" or the "size of the incoming message", this message information is merely the information that is sent to notify the user of the incoming message ***after*** the relevancy score of the message has been determined. The message information does not, in any way, affect the relevancy score of an incoming message, and therefore does not lend support to the proposition that Pollack describes "parameters having parameter values with the various degrees of desirability, ***wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message***", as recited in Applicant's claim 43. (emphasis added). Applicant respectfully points the Office to another passage of Pollack, reproduced below:

> The incoming message **102** and the relevancy scores **114** are provided to a delivery mechanism **118**. The delivery mechanism **120** generates message information **120** from the relevancy scores **114** and the incoming message **102** and delivers the message information **120** to users of the system

(*Pollack*, col. 5, lines 42-46). This passage further helps to make two important points clear: (1) that message information is the information delivered to the user ***after*** relevancy scores have been determined, and (2) that relevancy

scores ***do not*** "depend on message information such as time and size", as contended by the Examiner. (*Office Action of 08/25/05*, p. 3). Therefore, Applicant respectfully but strongly submits that under the correct interpretation of the passage cited by the Office, Pollack describes sending message information to the user that may be content-independent (e.g. time or size of the incoming message), but that Pollack ***does not describe*** "associating a plurality of parameters having parameter values with the various degrees of desirability, ***wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message***." (emphasis added).

Furthermore, Applicant submits that once the proper meaning of the above-cited passage is revealed, it also becomes clear that Pollack as a whole does not disclose or suggest "parameters [that] do not depend on any message that is conveyed by any content of an email message." As described above, Pollack discloses a method that computes relevancy scores based on: (1) similarity scores, and (2) user preferences.

As described above, the similarity engine is a standard text-based search engine, which compares words in a search query with words in an index of documents maintained in the message features database. This database may be comprised of the previously-received messages, or may be other records corresponding to different features of previously-received messages. For example, the message feature database may include *abstracts or summaries* of messages, *combinations of messages* that are similar to each other, or *keywords* derived from the messages. Whatever the message feature database contains, the similarity engine calculates the similarity scores by comparing the incoming message to the features in the database. (*Pollack*, col. 8, lines 26-38). Therefore, Pollack only

describes traditional comparisons between the incoming message and features of previously-received message. Whether the features in the database are the actual text of the previously-received message, a summary of the message, an abstract of the message, a combination of similar messages, or a keyword derived from the message, it is clear that ***the Pollack comparison is based upon the content of the incoming message***. As such, the similarity scores determined by Pollack do not include "parameters [that] do not depend on any message that is conveyed by any content of an email message."

Furthermore, the relevancy score of an incoming message is determinate upon preferences a user has for certain message features stored in the message features database. These preferences correspond to how well the user liked or disliked that message feature. These preferences may be stored in a preference matrix. (*Pollack*, col. 8, lines 58-63). Again, there is no indication that Pollack has at all contemplated the use of content-independent parameters. To the contrary, Pollack describes a user assigning preference values based upon how well the user liked the content of the previously-received message. As such, these user preferences do not disclose or suggest Applicant's claim 43.

Again, the Pollack relevancy score for an incoming message is generated with similarity scores and user preferences, neither of which use content-independent parameters for determining a degree of desirability. Therefore, Applicant respectfully submits that the relevancy score of Pollack does not include "parameters having parameter values with the various degrees of desirability, ***wherein at least some of the parameters do not depend on any message that is conveyed by any content of an email message***", as recited in Applicant's claim 43. (emphasis added).

As the reference does not disclose or suggest all of the elements of the claim, the reference does not anticipate. For at least this reason, this claim is allowable.

Claims 44-45 and 47 depend from claim 43 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 43, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

For example, **Claim 45** recites "[t]he email screening method of claim 43, wherein one of the parameters is associated with the number of specified recipient addresses." In making out a rejection of this claim, the Office cites to col. 6, lines 13-23 and col. 7, line 65-col. 8, line 10 of Pollack.

As for the first passage, Applicant respectfully submits that it makes no mention of a parameter that is "associated with the number of specified recipient addresses." Although this exact passage has been reproduced above, it is also depicted below for the Office's convenience:

> The message information **120** may be any information derived from or related to the incoming message **102**. For example, the message information **120** may include a summary of the incoming message **102**, a relevancy score of the incoming message **102**, keywords extracted from the incoming message, a subject line of the incoming message, or the entire contents of the incoming message **102**. The message information **120** may include information related to the incoming message **102**, such as the time of receipt of the incoming message **102**, the author of the incoming message **102**, or the size of the incoming message **102**.

(*Pollack*, col. 6, lines 13-23). While the passage makes reference to the many features of the incoming message, such as it's size and author, it does not

make any mention whatsoever of the "number of specified recipient addresses." Furthermore, as discussed in detail above, this passage does not even relate to "parameters" but rather relates to *message information that can be delivered to the user* after a relevancy score of an incoming message has been determined.

Applicant respectfully submits that the second passage cited by the Office is equally unavailing. This passage is reproduced below:

> The elements of FIG. 1 will now be described in more detail. The incoming message **102** may be any kind of message, document, or data that may be broadcast or
>
> **8**
>
> directed to one or more users. The incoming message **102** may, for example, be an electronic mail (email) message directed to one or more specified users. The incoming message **102** may also, for example, be a newsgroup posting, a message posted to a chat room, information derived from a web page, or information extracted from a database or other data store. The incoming message **102** may include any kind of data, such as text, graphics, images, sounds, or any combination thereof.

(*Pollack*, col. 7, line 65-col. 8, line 10) Applicant fails to understand how this passage discloses a parameter that is "associated with the number of specified recipient addresses." Instead, this passage merely points out the fact that an incoming message could be directed to "one or more specified users." Applicant respectfully submits that this benign statement as well as the passage discussed above do nothing to disclose or suggest Applicant's claim 45. For at least this additional reason, claim 45 is allowable.

Furthermore, **Claim 47** recites "[t]he email screening method of claim 43, wherein one of the parameters is associated with the size of an email message." In

making out a rejection of this claim, the Office cites col. 5, lines 19-23 of Pollack. Applicant submits, however, that the passage that the Office intended to cite is col. 6, lines 19-23, as these lines in col. 5 do not discuss any sort of "size of an email message." Col. 6, however, is equally inapplicable of disclosing the subject matter of Applicant's claim. This passage, reproduced twice above, only discusses possible message information that can be delivered to the user of the Pollack system. Again, while the "size of the incoming message" may be included as message information delivered to the user, Pollack in no way discloses or suggests a "*parameter* . . . associated with the size of an email message", as recited in Applicant's claim 47. (emphasis added). For at least this additional reason, claim 47 is allowable.

35 U.S.C. § 103

Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Pollack in view of U.S. Patent No. 6,546,416 to Kirsch. Applicant traverses the rejection.

Claim 46 recites "[t]he email screening method of claim 43, wherein one of the parameters is associated with a percentage of invalid specified recipient addresses." In making out a rejection of this claim, the Office cites Kirsch as teaching the additional element of the claim. The Office further states that it would have been obvious to combine the teachings of Pollack with these teachings of Kirsch. (*Office Action of 08/25/05*, p. 4).

As discussed in detail above, Pollack does not teach or suggest all of the elements of Applicant's base claim 43. To the contrary, Pollack teaches away

from such a claim, as all of the parameters used by Pollack *directly relate to the content* of an email message.

Furthermore, Kirsch does not teach the elements of Applicant's claim 43, nor is Kirsch relied upon by the Office for doing so. The addition of Kirsch is therefore not seen to add anything of substance to the rejection of the base claim. Therefore, claim 46 is allowable as depending from an allowable base claim. Furthermore, claim 46 is also allowable for its own recited features which, in combination with those recited in claim 43, are neither disclosed nor suggested in the references of record, either singly or in combination with one another.

Conclusion

Applicant respectfully submits that all pending claims are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowability be issued. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant requests that the undersigned be contacted for the purpose of scheduling an interview.

Respectfully submitted,

Dated: 10/3/05

By: _____

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